

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 080002-EI

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In the Matter of  
ENERGY CONSERVATION COST  
RECOVERY CLAUSE.

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PROCEEDINGS:           PREHEARING

BEFORE:                COMMISSIONER KATRINA J. McMURRIAN  
                          PREHEARING OFFICER

DATE:                   Monday, October 20, 2008

TIME:                   Commenced at 9:30 a.m.

PLACE:                  Betty Easley Conference Center  
                          Room 148  
                          4075 Esplanade Way  
                          Tallahassee, Florida

REPORTED BY:           JANE FAUROT, RPR  
                          Official FPSC Reporter  
                          (850) 413-6732

## 1 APPEARANCES:

2 LEE L. WILLIS, ESQUIRE and JAMES D. BEASLEY, ESQUIRE,  
3 Ausley Law Firm, Post Office Box 391, Tallahassee, 32302,  
4 appearing on behalf of Tampa Electric Company.

5 JEFFREY STONE, ESQUIRE, RUSSELL BADDERS, ESQUIRE, and  
6 STEVEN GRIFFIN, ESQUIRE, Beggs & Lane Law Firm, Post Office Box  
7 12950, Pensacola, Florida 32591-2950, appearing on behalf of  
8 Gulf Power Company.

9 JOHN W. MCWHIRTER, JR., ESQUIRE, c/o McWhirter Law  
10 Firm, Post Office Box 3350, Tampa, Florida 33601-3350,  
11 appearing on behalf of Florida Industrial Power Users Group.

12 JOHN BUTLER, ESQUIRE, WADE LITCHFIELD, ESQUIRE, and  
13 CARLA PETTUS, ESQUIRE, Florida Power & Light Company, 215 South  
14 Monroe Street, Suite 810, Tallahassee, Florida 32301-1859,  
15 appearing on behalf of Florida Power & Light Company.

16 NORMAN H. HORTON, JR., ESQUIRE, Messer Caparello &  
17 Self, P.A., P.O. Box 15579, Tallahassee, Florida 32317,  
18 appearing on behalf of Florida Public Utilities Company.

19 CECILIA BRADLEY, ESQUIRE, Senior Assistant Attorney  
20 General, The Capitol - PL01, Tallahassee, Florida 32399-1050,  
21 appearing on behalf of the Office of the Attorney General.

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1 APPEARANCES (continued):

2                   STEPHEN BURGESS, ESQUIRE, PATRICIA CHRISTENSEN,  
3 ESQUIRE, and JOE MCGLOTHLIN, ESQUIRE, Office of Public Counsel,  
4 c/o The Florida Legislature, 111 W. Madison St., #812,  
5 Tallahassee, Florida 32399-1400, appearing on behalf of the  
6 Citizens of Florida.

7                   JOHN T. BURNETT, Progress Energy Service Co., LLC,  
8 Post Office Box 14042, St. Petersburg, Florida 33733-4042, and  
9 GARY PERKO, appearing on behalf of Progress Energy Service Co.,  
10 LLC.

11                   KATHERINE FLEMING, ESQUIRE, FPSC General Counsel's  
12 Office, 2540 Shumard Oak Boulevard, Tallahassee, Florida  
13 32399-0850, appearing on behalf of the Commission Staff.

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## P R O C E E D I N G S

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2           **COMMISSIONER McMURRIAN:** Okay. We will adjourn the  
3 02 docket and move on to the -- actually the 04 docket and move  
4 on to the 02 docket.

5           So, any preliminary parties in 080002?

6           **MS. FLEMING:** I'm not aware of any preliminary  
7 matters. I will note that staff and parties are proposing  
8 stipulations on all issues in this docket.

9           **COMMISSIONER McMURRIAN:** Any other preliminary  
10 matters? Hearing none, we will go through the prehearing  
11 order. Sections I through IV. Hearing none. Sections V and  
12 VI.

13           **MR. HORTON:** Commissioner.

14           **COMMISSIONER McMURRIAN:** Go ahead.

15           **MR. HORTON:** The direct testimony of Mr. Mark  
16 Seagrave contained a typo, and I earlier passed out an errata  
17 on that to the Clerk and people I thought would be interested  
18 in it. So, basically, just changing 74 to 78. That is  
19 reflected in the prehearing order, the correct number.

20           **COMMISSIONER McMURRIAN:** Did everyone get a copy of  
21 the errata? Any concerns?

22           Hearing none. Ms. Fleming, is there anything else we  
23 need to do with respect to that?

24           **MS. FLEMING:** I believe with the handout of the  
25 errata we will make sure that when the testimony gets moved

1 into the record that that errata sheet is with the testimony at  
2 the hearing.

3 **COMMISSIONER McMURRIAN:** Okay.

4 **MR. HORTON:** Mr. Seagrave is not shown as --

5 **MS. FLEMING:** I was getting to that.

6 **MR. HORTON:** Oh, okay.

7 **MS. FLEMING:** We have a lot of last minute shuffle in  
8 this docket, but Mr. Seagrave, now that all issues are  
9 stipulated, all witnesses are stipulated in this docket, and it  
10 was just an error not reflecting Mr. Seagrave, and we will  
11 reflect him as a stipulated witness in the final prehearing  
12 order.

13 **COMMISSIONER McMURRIAN:** Okay. Thank you.

14 **MS. FLEMING:** And we will check with all the  
15 Commissioners to see if any Commissioners have questions with  
16 respect to these witnesses, and we will let the parties know as  
17 soon as possible whether those witnesses can be excused from  
18 the hearing.

19 **COMMISSIONER McMURRIAN:** Okay. Moving on to  
20 Section VII and VIII, positions, issues and positions? Hearing  
21 nothing, we will move on to the exhibit list, Section IX.

22 **MS. FLEMING:** Staff will prepare a Comprehensive  
23 Exhibit List for the hearing that will include all the prefilled  
24 testimony contained on this list.

25 **COMMISSIONER McMURRIAN:** Moving on to Section X,

1 proposed stipulation. As you said earlier, all issues are  
2 proposed stipulations, and I have a note that OPC and FIPUG  
3 take no position on all issues. And I see nodding of heads.

4 **MS. FLEMING:** Yes, that's correct.

5 **COMMISSIONER McMURRIAN:** Okay. Pending motions and  
6 confidentiality matters.

7 **MS. FLEMING:** There are no pending motions. There is  
8 one pending confidentiality matter and an order will be -- it  
9 will be addressed by separate order.

10 **COMMISSIONER McMURRIAN:** You almost had 100 percent.  
11 Just kidding.

12 **MS. FLEMING:** Almost.

13 **COMMISSIONER McMURRIAN:** That's okay. Section XIII,  
14 post-hearing procedures, and Section XIV, rulings.

15 **MS. FLEMING:** With respect to rulings, we would  
16 suggest that if there are any opening statements in this docket  
17 that they shall be limited to five minutes per party.

18 **COMMISSIONER McMURRIAN:** Okay. Any other matters  
19 from the parties, or Ms. Fleming?

20 **MS. FLEMING:** I'm not aware of any other matters.

21 **COMMISSIONER McMURRIAN:** Okay. We will adjourn the  
22 prehearing in the 02 docket, and proceed to the 07 docket.

23 Ms. Brown, any preliminary matters in 080007 docket?

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1 STATE OF FLORIDA )

2 : CERTIFICATE OF REPORTER

3 COUNTY OF LEON )

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I, JANE FAUROT, RPR, Chief, Hearing Reporter Services  
5 Section, FPSC Division of Commission Clerk, do hereby certify  
6 that the foregoing proceeding was heard at the time and place  
herein stated.

7

IT IS FURTHER CERTIFIED that I stenographically  
8 reported the said proceedings; that the same has been  
transcribed under my direct supervision; and that this  
9 transcript constitutes a true transcription of my notes of said  
proceedings.

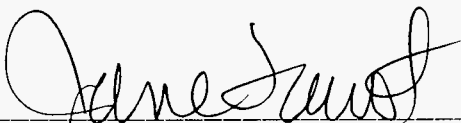
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I FURTHER CERTIFY that I am not a relative, employee,  
11 attorney or counsel of any of the parties, nor am I a relative  
or employee of any of the parties' attorney or counsel  
12 connected with the action, nor am I financially interested in  
the action.

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DATED THIS 24th day of October, 2008.

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Official FPSC Hearings Reporter  
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